

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALAN GROCHOWSKI, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22-cv-01378-SEP
)	
RESORT LEGAL SERVICE, LLC,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is attorney Edwin Butler's Motion to Withdraw. Doc. [33]. In that motion, counsel for Defendant Resort Legal Service, LLC, asked to withdraw as counsel for Defendant. On April 28, 2023, the Court held that motion in abeyance and ordered Defendant to obtain substitute counsel no later than May 25, 2023. Doc. [35]. The Court also indicated that defense counsel would be allowed to withdraw after May 25, 2023, or upon the entry of substitute counsel. Because Defendant did not obtain substitute counsel by that deadline, and because Defendant has received adequate notice that the Court would permit its counsel to withdraw from representation in this matter, the motion to withdraw is now granted.

As noted in the Court's April 28, 2023, Order, limited liability companies are artificial entities that can only act through agents, cannot appear *pro se*, and must be represented by counsel. See Doc. [35] at 1; *see also Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993). The Order also warned that an artificial entity such as Defendant Resort Legal Service, LLC, would be subject to entry of default judgment if it failed to obtain counsel. Doc. [35] at 1; *see also Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 856-57 (8th Cir. 1996); *United Fire & Cas. Co. v. Titan Contractors Serv., Inc.*, 2014 WL 3805493, at *1 (E.D. Mo. Aug. 1, 2014). Because former counsel for Defendant Resort Legal Service, LLC, has now withdrawn and Defendant has not obtained substitute counsel, Plaintiff is ordered to file motions to strike Defendant's pleadings, for Clerk's entry of default and, if appropriate, for default judgment, **no later than June 30, 2023**. Failure to comply with this Order will result in the dismissal of this action without prejudice.

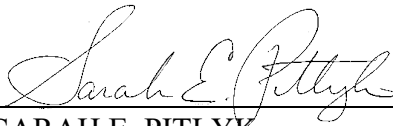
Accordingly,

IT IS HEREBY ORDERED that attorney Edwin Butler's Motion to Withdraw as attorney, Doc. [33], is **GRANTED**.

IT IS FURTHER ORDERED that attorney Edwin Butler is granted leave to withdraw from the representation of Defendant Resort Legal Service, LLC, in this matter.

IT IS FINALLY ORDERED that Plaintiff shall file separate motions to strike Defendant's pleadings, for Clerk's entry of default pursuant to Federal Rule of Civil Procedure 55(a) and, if appropriate, for default judgment pursuant to Federal Rule of Civil Procedure 55(b), along with all necessary supporting documentation and proposed order(s) for the Court's consideration **no later than June 30, 2023**. Failure to comply with this Order will result in the dismissal of this action without prejudice.

Dated this 1st day of June, 2023.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk", is written over a horizontal line.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE